IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

WP(C).No. 1160 of 2007(K)

PETITIONERS:
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1. **M.ABDUL SALAM, CONVENER, AITUC., UNION OF HEADLOAD WORKERS IN THE CIVIL SUPPLIES CORPN. GODOWNS AND WAREHOUSING CORPN. GODOWNS SITUATED AT TC.NO.36/1955, 1956, 1958, 1959,1960,TC.35/947, 948,949 AND TC.35/1735(1)(2) R/AT TC.35/113, PUTHEN ROAD JN.,VALLAKKADAVU P.O., TVPM-8.**

2. **A.RASHEED, (MEMBER, A.I.T.U.C. UNION), RESIDING AT TC.35/46(1), SHANITHA MANZIL, PATHINARUKAL MANDAPAM, VALLAKKADAVU P.O., THIRUVANANTHAPURAM - 8.**

3. **C.VIJAYAN, (MEMBER, A.I.T.U.C. UNION), RESIDING AT TC.31/1824, PUNNAKKAL THOPE, BOTTUPURA, VALLAKKADAVU P.O., THIRUVANANTHAPURAM-6.**

4. **S.SUDARSHAN, (MEMBER, A.I.T.U.C. UNION), T.C.31/1735(1), VAYYAMOOLA, VALLAKKADAVU P.O., THIRUVANANTHAPURAM-8.**

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS:
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1. **STATION HOUSE OFFICER, FORT POLICE STATION, THIRUVANANTHAPURAM.**

2. **STATION HOUSE OFFICER, VALIYATHURA, THIRUVANANTHAPURAM.**

3. ASSISTANT LABOUR OFFICER,
NO.2 CIRCLE, KAZHAKKOOTTAM,
THIRUVANANTHAPURAM.

4.NIZAMUDDIN.S.,S/O.SHAHUL HAMEED,
T.C.35/161 (2), PATHINARUKALMANDAPAM,
VALLAKKADAVU P.O., THIRUVANANTHAPURAM.

5.SIDDIQUE,S/O.NOOHU, T.C.25/526,
THAHIR MANZIL, P.D.NAGAR, VALLAKKADAVU (PO)
THIRUVANANTHAPURAM.

6.SABU, T.C.35/591, SABU MANZIL,
PRIYADARSHINI NAGAR, VALLAKKADAVU (PO),
THIRUVANANTHAPURAM.

BY ADV. SMT.MUMTAZ SHUMSUDDIN FOR R4 TO R6
GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).1160/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE REPRESENTATION DATED 9.11.2006 SUBMITTED BY THE THEN CITY SECRETARY ON BEHALF OF THE PETITIONERS TO THE ASSISTANCE LABOUR OFFICER WITH COPY TO THE POLICE AUTHORITIES.

EXT.P2: COPY OF THE REPRESENTATION DATED 9.11.2006 SUBMITTED BY THE THEN CITY SECRETARY ON BEHALF OF THE PETITIONERS TO THE CHAIRMAN, HEADLOAD WORKERS WELFARE BOARD.

EXT.P3: COPY OF IDENTITY CARD ISSUED BY R3 TO THE 1ST PETITIONER.

EXT.P3A: COPY OF DO. DO. TO 2ND PETITIONER.

EXT.P3B: COPY OF DO. DO. TO THE 3RD PETITIONER.

EXT.P3C: COPY OF DO. DO. TO THE 4TH PETITIONER.

RESPONDENTS EXHIBITS:

EXT.R4-1(A): COPY OF THE IDENTITY CARDS ISSUED UNDER RULE 6 A OF THE SCHEME TO RESPONDENTS 4.

EXT.R4-1(B): COPY OF THE IDENTITY CARDS ISSUED UNDER RULE 6A OF THE SCHEME TO RESPONDENTS 5.

EXT.R4-1(C): COPY OF THE IDENTITY CARDS ISSUED UNDER RULE 6A OF THE SCHEME TO RESPONDENTS 6.

EXT.R4-2: COPY OF THE LETTER ISSUED BY THE CHAIRMAN OF THE BOARD TO THE 2ND RESPONDENT DATED 27.6.2002.

EXT.R4-3: COPY OF THE LETTER ISSUED BY THE ASST.LABOUR OFFICER, THIRUVANANTHAPURAM TO POONTHURA POLICE DATED 20.7.2002.

EXT.R4-4(A)-(C): COPY OF THE WORK ORDER ISSUED ON THEM BY THE AGENCY DATED 5.11.2006, 1.12.2006 AND 12.12.2006.

EXT.R4-5: COPY OF THE LETTER ISSUED BY THE CHAIRMAN OF THE BOARD TO THE 2ND RESPONDENT DATED 6.11.2006.

/TRUE COPY/

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NO.1160 OF 2007 (K)

Dated this the 2nd day of February, 2007

J U D G M E N T

KOSHY,J.

This is a petition for police protection. The 1st petitioner is the Convener of A.I.T.U.C. Union. According to the petitioners, as per the identity cards issued they are entitled to work in the godowns of Kerala State Civil Supplies Corporation and Kerala State Warehousing Corporation. It is the case of the contesting respondents that since it is a scheme covered area and the pools are allotted to them, they are only entitled to do the loading and unloading works. If there is any dispute with regard to allocation of place for workers under the Head load Worker's Act it is the matter which has to be referred to the Labour officer or statutory authorities as provided under the Head load Worker's Act. It is also stated that the matter was once heard and therefore parties will have to abide by the decision of the statutory authorities. Therefore, we are not

deciding the question who are entitled to do the loading and unloading works in the godowns of the area and that will be subject to the decision of the statutory authorities. However, we direct the police to see that law and order is maintained. With the above observations this writ petition is disposed of.

J.B.KOSHY, JUDGE

T.R.RAMACHANDRAN NAIR, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

O.P.NO. OF 2006 ()

J U D G M E N T

1th January, 2007